

SIXTY-FIRST DAY

(Monday, April 29, 1963)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 25, 1963, was dispensed with and the Journal was approved.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 58, Requesting Senate Bill No. 315 to be returned to the enrolling room for correction.

H. C. R. No. 66, Requesting that the Governor return House Bill No. 528 to the House for correction.

S. B. No. 15, A bill to be entitled "An Act to classify loans and lenders and provide for their regulation; stating legislative intent; etc., and declaring an emergency."

(With amendments.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk House of Representatives

Reports of Standing Committees

Senator Blanchard submitted the following report:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to whom was referred H. B. No. 395, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Senator Owen submitted the following report:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred S. B. No. 396, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute adopted in lieu thereof do pass and be printed.

OWEN, Chairman.

C. S. S. B. No. 396 was read the first time.

Senator Rogers submitted the following reports:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 22, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

**House Concurrent Resolution 66
on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 66, Recalling H. B. No. 528 from Governor's Office and authorizing certain corrections therein.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**Senate Concurrent Resolution 59
on First Reading**

Senator Blanchard moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 59, Granting Earnest Lealon Tadlock permission to sue the State.

Whereas, Earnest Lealon Tadlock of Lubbock, Texas, alleges that in 1962 the State Department of Public Welfare, through its Division of Child Welfare and its officers, agents and employees, caused him to be mali-

ciously and falsely arrested and imprisoned; and

Whereas, Earnest Lealon Tadlock further alleges that while he was so falsely imprisoned, the State Department of Public Welfare, through its Division of Child Welfare and its officers, agents and employees, caused his young daughter, Helen Louise Tadlock, to be unlawfully taken from her home and held in concealment and away from Earnest Lealon Tadlock, her father, constituting kidnapping; and

Whereas, He is desirous of bringing suit against the State of Texas, the State Department of Public Welfare and its Division of Child Welfare for the purpose of determining the liability of the State and that agency, if any, for the alleged malicious false arrest and imprisonment and for the purpose of establishing his legal rights, if any, to the custody of his daughter, Helen Louise Tadlock; now, therefore, be it

Resolved, By the Senate of the 58th Legislature of Texas, the House of Representatives concurring, That Earnest Lealon Tadlock be authorized to file suit against the State of Texas and the State Department of Public Welfare for the purpose of determining the liability of the State and that agency, if any, for the alleged malicious false arrest and imprisonment and for the purpose of establishing his legal rights, if any, to the custody of his daughter, Helen Louise Tadlock; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further.

Resolved, that nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was read and was

referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 60

Senator Cole offered the following resolution:

S. C. R. No. 60, Providing for an interim joint committee to make certain study regarding the bays and inlets of the State of Texas.

Whereas, The ever increasing use of our bays for fishing and other recreation purposes by the citizens of Texas and the many persons who visit Texas each year and the ever increasing demand by important segments of our industry for mudshell, clam shell, sand, clay and marl produced from said bays and for the oil, gas and other minerals mined and produced in said bays and transported by pipeline across the same have created problems which were not within the contemplation of the Legislature when most of the present laws pertaining to the pollution of these waters, and in the mining, producing, taking and transporting of such oil, gas, mudshell, clam shell, clay, sand and marl were enacted with the consequences that many of said laws are now indefinite, uncertain and inadequate; and

Whereas, The public interest demands that a study be made immediately by the Legislature of these problems so that at the next Regular Session adequate laws can be enacted to protect the rights of the public in and to our bays and at the same time and subject thereto, to encourage the production of mudshell, clam shell, clay, sand and marl therefrom and the transportation of oil, gas and other minerals across such bays so that demands of industry can be served, and that these waters may be further protected from pollution; now, therefore, be it

Resolved, By the Senate of the 58th Legislature, the House of Representatives concurring, that the following be accomplished:

Section 1. A Committee is hereby created consisting of eleven (11) members; two (2) representing the public at large, one (1) representing the oil and gas pipeline industry, one (1) representing the industry engaged in the mining and producing of mudshell, clam shell, sand, clay and marl, one (1) representing the commercial fishing and shrimping indus-

try, three (3) Representatives to be appointed by the Speaker of the House of Representatives, and three (3) Senators to be appointed by the Lieutenant Governor of the state. The five (5) public members shall be appointed by the Governor.

Sec. 2. Between adjournment of the present Session of the Legislature and the next Regular Session thereof, such Committee is authorized, empowered and directed to conduct and make an investigation and study of all matters of or pertaining to the development and use of bays of the State of Texas, and the inlets and tributaries thereto, for hunting, fishing, boating and recreational purposes, the mining and producing of mudshell, clam shell, sand, clay and marl from such bays, inlets and tributaries thereto, and the transportation by pipeline of oil, gas and other minerals across such bays and the inlets and tributaries thereto; and all matters pertaining to the pollution and contamination of such bays, inlets, and tributaries.

Sec. 3. For consideration by the next Regular Session of the Legislature such Committee shall make such recommendations for the enactment of such laws, and shall prepare drafts of such legislation as it may deem appropriate which will adequately protect and safeguard the rights of the public in and to the bays of the State of Texas and the inlets and tributaries thereto and subject to the rights of the public will encourage and promote the production of mudshell, clam shell, sand, clay and marl from such bays, inlets and tributaries thereto and the transportation of oil, gas and other minerals by pipeline across such bays and the inlets and tributaries thereto, and curtail the pollution of the bays and inlets and tributaries thereto.

Sec. 4. In the conduct of such investigation and study said Committee shall have the right to hold public hearings and, in the manner provided by law, shall have the right to compel the attendance of witnesses and the production of instruments and documents.

Sec. 5. The Texas Parks and Wildlife Commission, the Texas State Department of Health, the Texas Water Pollution Control Board, and any other State agencies or departments as may be deemed necessary by the Committee are hereby authorized and directed to cooperate fully and com-

pletely with the Committee in the making of the study and preparation of any reports.

Sec. 6. From the contingent fund of the Legislature, the legislative members of said Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Act.

Sec. 7. The Committee shall report in writing, and file a signed copy of the same with the Governor of Texas, the Lieutenant Governor of Texas, and the Speaker of the House not later than thirty days after the convening of the next Regular Session of the Legislature; and that copies of such report shall be distributed to each member of the Senate and by the Chief Clerk of the House of Representatives to each member of the House of Representatives. Testimony given at any hearing conducted pursuant to this Resolution shall be reduced to writing and shall be given under oath subject to the penalties of perjury.

The resolution was read and was referred to the Committee on State Affairs.

Senate Joint Resolution 30 on First Reading

Senator Blanchard moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Blanchard:

S. J. R. No. 30, Proposing an amendment to Section 26, Article IV of the Constitution of the State of Texas, to provide that the term of office of Notaries Public shall be four (4) years from the date of appointment.

To the Committee on Constitutional Amendments.

Conference Committee Report on House Bill 50

Senator Hardeman submitted the following Conference Committee report on H. B. No. 50:

Austin, Texas,
April 25, 1963.

Honorable Preston Smith, President of the Senate.

Honorable Byron Tunnell, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 50, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HARDEMAN
BLANCHARD
CALHOUN
CREIGHTON
CRUMP

On the part of the Senate.

HARDING
COOK
COTTEN
SLIDER
WOODS

On the part of the House.

H. B. No. 50,

A BILL

To Be Entitled

An Act amending Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (codified as Article 6701d, Vernon's Texas Civil Statutes), and known as the "Uniform Act Regulating Traffic on Highways," by adding thereto a new article relating to speed of vehicles, and rules of enforcement; repealing Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as amended (codified as Section 8

of Article 827a, Vernon's Penal Code of Texas); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as last amended by Chapter 259, Acts of the 57th Legislature, Regular Session, 1961, codified as Article 6701d, Vernon's Texas Civil Statutes, and known as the "Uniform Act Regulating Traffic on Highways," is hereby amended by adding a new article to read as follows:

"Article XIX. Speed restrictions.

Sec. 166. Maximum Speeds of Vehicles.

"(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with paragraph (b) of this section, the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

"1. Thirty (30) miles per hour in any urban district;

"2. Seventy (70) miles per hour during the day-time and sixty-five (65) miles per hour during the night-time for any passenger car on any State and Federal numbered highway outside any urban district, including farm-and/or ranch-to-market roads, and sixty (60) miles per hour during the day-time and fifty-five (55) miles per hour during the night-time for any passenger car on all other highways outside any urban district;

"3. Sixty (60) miles per hour for all other vehicles on any highway outside any urban district;

"4. The speed limits for any bus or other vehicle engaged in this State in the business of transporting passengers for compensation or hire, and for any commercial vehicle which is in authorized use as a 'Highway Post Office' vehicle furnishing Highway Post Office service in the transportation of the United States mail shall be the same as prescribed for passenger cars at the same location.

"5. The above limitations notwithstanding, the following prima facie maximum limits are declared, for any highway outside any urban district:

"a. Forty-five (45) miles per hour for any vehicle towing any house trailer of actual or registered gross weight exceeding four thousand, five hundred (4,500) pounds or with an over-all length exceeding thirty-two (32) feet, excluding the towbar.

"b. Sixty (60) miles per hour in day-time and fifty-five (55) miles per hour during night-time for any truck, truck-tractor, trailer or semi-trailer, or for any vehicle towing any trailer, semi-trailer, another motor vehicle, or any house trailer of actual or registered gross weight, less than four thousand, five hundred (4,500) pounds and over-all length of thirty-two (32) feet or less, excluding the towbar.

"c. Fifty (50) miles per hour for any school bus.

" 'Daytime' means from one-half hour before sunrise to one-half hour after sunset, and 'night-time' means at any other hour.

" 'Urban District' means the territory contiguous to and including any highway or street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than one hundred (100) feet for a distance of one-quarter of a mile or more.

" 'Passenger car' means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

"The maximum speed limits set forth in this section may be altered as authorized in Section 167, 168 and 169.

"(b) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

"(c) The driver of every vehicle shall, consistent with the requirements of paragraph (b), drive at an appropriate reduced speed when ap-

proaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when travelling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

"Sec. 167. Authority of State Highway Commission to Alter Maximum Speed Limits.

(a) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any prima facie maximum speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the highway system, taking into consideration the width and condition of the pavement and other circumstances on such portion of said highway as well as the usual traffic thereon, said State Highway Commission may determine and declare a reasonable and safe prima facie maximum speed limit thereat or thereon, by proper order of the Commission entered on its Minutes, which limit, when appropriate signs giving notice thereof are erected, shall be effective at such intersection or other place or part of the highway system at all times or during hours of daylight or darkness, or at such other times as may be determined; provided, however, that said State Highway Commission shall not have the authority to modify or alter the rules established in paragraph (b) of Section 166, nor to establish a speed limit higher than seventy (70) miles per hour; and provided further that the speed limits for vehicles described in paragraphs a, b, and c of subdivision 5 of subsection (a) of section 166 shall not be increased.

"(b) The authority of the State Highway Commission to alter maximum speed limits shall exist with respect to any part of any highway, road or street officially designated or marked by the State Highway Commission as part of the State Highway System. Also, this authority shall exist both within and without the limits of an incorporated city, town or village, including Home Rule Cities, with respect to highways declared to be limited-access or controlled-access highways as defined by this Act.

"(c) The State Highway Commission shall, in conducting the engineering and traffic investigation specified in paragraph (a) of Section 167, follow its 'Procedure for Establishing Speed Zones' which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

"Sec. 168. Authority of Texas Turnpike Authority to Alter Maximum Prima Facie Speed Limits on Turnpike Projects.

"(a) Whenever the Texas Turnpike Authority shall determine upon the basis of an engineering and traffic investigation that any maximum prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a turnpike constructed and maintained by it, taking into consideration the width and condition of the pavement and other circumstances on such portion of said turnpike as well as the usual traffic thereon, the Legislature hereby directs the Texas Turnpike Authority to determine and declare a reasonable and safe maximum prima facie speed limit thereat or thereon, by proper order of the authority entered on its minutes, for all vehicles or for any class or classes of vehicles hereinabove established, which limit, when appropriate signs giving notice thereof are erected, shall be effective at such intersections or other places or part of the highway at all times or during hours of daylight or darkness, or at such other times as may be determined.

"(b) The authority of the Texas Turnpike Authority to alter maximum prima facie speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to House Bill 4, Chapter 410, Acts of 1953, 53rd Legislature, Regular Session, codified as Article 6674v, Vernon's Revised Civil Statutes of Texas, as same may be amended, both within and without the corporate limits of any incorporated city, town or village, including Home Rule Cities. Such authority shall be exclusive with respect to any such project, and the authorities prescribed in Sections

167 and 169 shall not apply upon any part of any such turnpike project; provided, however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

"(c) The Texas Turnpike Authority shall, in conducting the engineering and traffic investigations specified in paragraph (a) of Section 168, following the 'Procedure for Establishing Speed Zones' prepared by the Texas Highway Department which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

"Sec. 169. Authority of County Commissioners Court and Governing Bodies of Incorporated Cities, Towns and Villages to Alter Maximum Prima Facie Speed Limits.

"(a) The county commissioners court of any county with respect to county highways or roads outside the limits of the right-of-way of any officially designated or marked highway, road or street of the State Highway System and outside the limits of any incorporated city, town or village shall have the same authority by order of the county commissioners court entered upon its records to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System; provided that under no circumstances shall any county commissioners court have the authority to modify or alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than sixty (60) miles per hour.

"(b) The governing body of an incorporated city, town or village with respect to any highway, street or

part of a highway or street, including those marked as a route of a highway of the State Highway System, within its corporate limits, shall have the same authority by city ordinance to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System; provided that under no circumstances shall any such governing body have the authority to modify or alter the basic rule established in paragraph (a) of Section 166, nor to establish a speed limit higher than sixty (60) miles per hour, and provided, further, that any order of the State Highway Commission declaring a speed limit upon any part of a designated or marked route of the State Highway System made pursuant to Section 167 shall supersede any city ordinance in conflict therewith.

"Sec. 170. Minimum Speed Regulations.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

"(b) Whenever the State Highway Commission, county commissioners court or the governing body of any incorporated city, town or village, within their respective jurisdictions, as specified in Sections 167 and 169, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the said State Highway Commission, county commissioners courts or governing body of an incorporated city, town or village, are hereby empowered and may determine and declare a minimum speed limit thereat or thereon, and when appropriate signs are erected, giving notice of such minimum speed limit, no person shall drive a vehicle below that limit except when necessary for safe operation or in compliance with law.

"Sec. 171. Charging Violations and Rule in Civil Cases.

(a) In every charge of violation of any speed regulation in this Act, the complaint, also the summons of notice to appear, shall specify the speed

at which the defendant is alleged to have driven, also the maximum or minimum speed limit applicable within the district or at the location.

"(b) The provisions of this Act declaring maximum or minimum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Sec. 172. Exceptions to Speed Law.

"The provisions of this article regulating speeds of vehicles shall not apply to vehicles operated by the fire department of any city, town or village responding to calls, nor to police patrols, nor to physicians and/or ambulances responding to emergency calls, provided that incorporated cities and towns may by ordinance regulate the speed of ambulances."

Sec. 2. Nothing in this Act shall be construed to repeal or in any way modify, alter or amend Sections 86, 87, 88, 89 and 90 of the Uniform Act Regulating Traffic on Highways, codified as Article 6701d, Vernon's Texas Civil Statutes, and being Acts of the Fiftieth Legislature, Regular Session, 1947, Chapter 421, page 927. Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as amended (codified as Section 8, Article 827a, Vernon's Texas Penal Code) is repealed.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The crowded condition of the calendar and the fact that our speed laws need modernization in the light of improved roads and engineering advancement in motor vehicle design and safety, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall become effective from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Bill 484 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Patman:

S. B. No. 484, A bill to be entitled "An Act relating to the salary, and fixing minimum and maximum salary limits of the official shorthand reporters for certain judicial districts; repealing conflicting laws; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Moore submitted the following report:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 172, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

MOORE, Chairman.

C. S. H. B. No. 172 was read the first time.

Senate Bill 255 on Third Reading

Senator Crump asked unanimous consent to suspend the regular order of business and take up S. B. No. 255 for consideration at this time.

There was objection.

Senator Crump then moved to suspend the regular order of business and take up S. B. No. 255 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Hall
Bates	Hardeman
Blanchard	Krueger
Calhoun	Moffett
Creighton	Moore
Crump	Owen

Parkhouse
Patman
Ratliff
Reagan

Rogers
Schwartz
Watson
Word

Nays—9

Cole
Colson
Dies
Harrington
Herring

Kazen
Richter
Spears
Strong

Absent

Hazlewood

Kennard

The President laid before the Senate on its third reading and final passage:

S. B. No. 255, A bill to be entitled "An Act limiting the liability of laborers, mechanics, materialmen, contractors, builders, architects and engineers for injuries done to the person of another or for trespass, for injury to the estate or property of another as a result of conditions existing on lands or of buildings, machinery or other work or improvements constructed, installed or performed thereon where such injury or trespass occurs after possession of the premises was delivered to the owner upon completion; etc., and declaring an emergency."

The bill was read third time.

Senator Patman moved that S. B. No. 255 be recommitted to the Committee on State Affairs.

Senator Crump moved to table the motion to recommit.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table the motion to recommit prevailed by the following vote:

Yeas—18

Aikin
Bates
Calhoun
Creighton
Crump
Hall
Hardeman
Hazlewood
Krueger

Moffett
Moore
Owen
Parkhouse
Ratliff
Reagan
Rogers
Watson
Word

Nays—13

Blanchard

Cole

Colson
Dies
Harrington
Herring
Kazen
Kennard

Patman
Richter
Schwartz
Spears
Strong

Senator Moore moved the previous question on the final passage of S. B. No. 255 and the motion was duly recorded.

Question—Shall the previous question now be put?

The previous question failed to be ordered by the following vote:

Yeas—14

Aikin
Bates
Creighton
Crump
Hall
Hardeman
Hazlewood

Krueger
Moore
Owen
Parkhouse
Ratliff
Reagan
Watson

Nays—16

Blanchard
Calhoun
Cole
Colson
Dies
Harrington
Herring
Kazen

Kennard
Patman
Richter
Rogers
Schwartz
Spears
Strong
Word

Absent

Moffett

Senator Patman offered the following amendment to the bill.

Amend S. B. No. 255 by striking Section One thereof and renumbering the succeeding sections.

The amendment was read.

Senator Patman asked unanimous consent to withdraw the pending amendment.

There was objection.

Senator Patman then offered the following substitute for the pending amendment:

Amend S. B. No. 255 by adding a new sentence to section one, such sentence to read as follows:

Nothing contained in this Act shall be construed to exempt from liability any laborer, mechanic, materialman,

contractor, builder, architect or engineer for negligence, active or passive.

The amendment was read.

Senator Crump moved to table the substitute for the pending amendment.

Question on the motion to table, Yeas and Nays were demanded.

The substitute for the pending amendment was tabled by the following vote:

Yeas—19

Aikin	Moore
Bates	Owen
Calhoun	Parkhouse
Cole	Ratliff
Creighton	Reagan
Crump	Rogers
Hall	Schwartz
Hardeman	Watson
Hazlewood	Word
Krueger	

Nays—11

Blanchard	Kennard
Colson	Patman
Dies	Richter
Harrington	Spears
Herring	Strong
Kazen	

Absent

Moffett

Question—Shall the amendment by Senator Patman to S. B. No. 255 be adopted?

Senator Hazlewood moved the previous question on the pending amendment and the final passage of S. B. No. 255, and the motion was duly seconded.

Question—Shall the previous question be now put?

The previous question was ordered by the following vote:

Yeas—16

Aikin	Krueger
Bates	Moore
Cole	Owen
Creighton	Parkhouse
Crump	Ratliff
Hall	Reagan
Hardeman	Watson
Hazlewood	Word

Nays—13

Calhoun	Patman
Colson	Richter
Dies	Rogers
Harrington	Schwartz
Herring	Spears
Kazen	Strong
Kennard	

Absent

Blanchard Moffett

Question—Shall the amendment by Senator Patman to S. B. No. 255 be adopted?

The amendment failed of adoption by the following vote:

Yeas—10

Colson	Kennard
Dies	Patman
Harrington	Richter
Herring	Spears
Kazen	Strong

Nays—19

Aikin	Moore
Bates	Owen
Calhoun	Parkhouse
Cole	Ratliff
Creighton	Reagan
Crump	Rogers
Hall	Schwartz
Hardeman	Watson
Hazlewood	Word
Krueger	

Absent

Blanchard Moffett

Question on final passage of S. B. No. 255, Yeas and Nays were demanded.

S. B. No. 255 was finally passed by the following vote:

Yeas—18

Aikin	Moore
Bates	Owen
Calhoun	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hall	Rogers
Hardeman	Schwartz
Hazlewood	Watson
Krueger	Word

Nays—11

Cole Colson

Dies	Patman
Harrington	Richter
Herring	Spears
Kazen	Strong
Kennard	

Absent

Blanchard	Moffett
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Senate Bill 485 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senators Rogers and Hazlewood.

S. B. No. 485, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 100th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowances for travel and hotel expenses; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 485, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senate Bill 485 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent S. B. No. 485 was ordered not printed.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 58, Recalling S. B. No. 315 from Governor's Office and authorizing certain corrections therein.

Reports of Standing Committees

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 482, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senator Colson by unanimous consent submitted the following reports:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: Ye, your Committee on Public Health, to whom was referred S. B. No. 276, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

COLSON, Chairman.

C. S. S. B. No. 276 was read the first time.

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 401, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

COLSON, Chairman.

C. S. S. B. No. 401 was read the first time.

Senate Bill 482 Ordered Not Printed

On motion of Senator Owen and

by unanimous consent S. B. No. 482 was ordered not printed.

House Bill on First Reading

The following bill received from the house, was read the first time and referred to the committee indicated:

H. B. No. 159, To the Committee on State Affairs.

Senate Bill 15 With House Amendments

Senator Reagan called S. B. No. 15 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Reagan moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two houses on the bill.

The motion prevailed.

Senate Bill 164 on Third Reading

Senator Reagan moved to suspend the regular order of business and take up S. B. No. 164 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word
Kennard	

Nays—3

Kazen	Patman
Krueger	

Absent

Blanchard

The President laid before the Senate on its third reading and final passage:

S. B. No. 164, A bill to be entitled "An Act amending Subsection (2) of Article 9.02, Chapter 9, House Bill 11, 3rd Called Session of the 56th Legislature (Further cited as Chapter 1 of Title 122A, Taxation—General) to clarify and unify the allocations made to distributors, wholesalers and retailers of motor fuel for evaporation and other handling losses and for the expense of collecting, etc., and declaring an emergency.

The bill was read the third time and finally passed.

Record of Vote

Senator Dies, Kazen and Krueger asked to be recorded as voting "Nay" on the final passage of S. B. No. 164.

Report of Standing Committee

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 573, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Motion to Place Senate Bill 100 on Third Reading

Senator Creighton asked unanimous consent to suspend the regular order of business and take up S. B. No. 100 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up S. B. No. 100 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—18

Bates	Colson
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Creighton	Moore
Crump	Patman
Hall	Ratliff
Hardeman	Reagan
Hazlewood	Richter
Kazen	Rogers
Krueger	Watson
Moffett	Word

Nays—11

Aikin	Kennard
Calhoun	Parkhouse
Cole	Schwartz
Dies	Spears
Harrington	Strong
Herring	

Absent

Blanchard	Owen
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Senate Concurrent Resolution 20 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 20, Authorizing State Board of Control to use State Buildings as fall out shelters.

The resolution was read and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 66, Authorizing Engraving and Enrolling Clerk of the House to make certain corrections in H. B. No. 528.

Senate Bill 367 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 367, A bill to be entitled

"An Act authorizing a permanent statutory revision program for the State of Texas; placing the responsibility for planning and executing the program in the Texas Legislative Council; providing for the appointment of a Statutory Revision Advisory Committee to advise the Legislative Council on certain matters; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 367 to engrossment.

Senate Bill 367 on Second Reading

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 367 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Bates	Moore
Blanchard	Parkhouse
Cole	Patman
Colson	Ratliff
Dies	Reagan
Hall	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Nays—5

Calhoun	Hardeman
Creighton	Rogers
Crump	

Absent

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 367.

**Senate Concurrent Resolution 52
on Second Reading**

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 52, Granting W. D. Scarbrough, Jr., et al., permission to sue the State.

The resolution was read and was adopted.

Senate Bill 155 on Second Reading

The President laid before the Senate as Special Order on its second reading and passage to engrossment S. B. No. 155 (the bill having been read the second time on Tuesday, April 23, 1963).

Question—Shall S. B. No. 155 be passed to engrossment?

The bill was passed to engrossment.

Record of Vote

Senator Schwartz asked to be recorded as voting "Nay" on the passage of S. B. No. 155 to engrossment.

Senate Bill 155 on Third Reading

Senator Cole moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 155 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

Nays—1

Schwartz

Absent

Blanchard

The President then laid the bill before the Senate on its third reading final passage.

The bill was read third time and passed.

Record of Vote

Senator Schwartz asked to be recorded as voting "Nay" on the final passage of S. B. No. 155.

Recess

Senator Moffett moved that Senate stand recessed until 3:30 o'clock p.m. today.

Senator Krueger moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Senator Aikin moved that the Senate stand recessed until 7:30 o'clock p.m. today.

Question first on the motion to adjourn until 10:00 o'clock a.m. tomorrow, the motion was lost.

Question on the motion to stand recessed until 7:30 p.m. today, the motion was lost.

Question next on the motion to stand recessed until 3:30 o'clock p.m. today, the motion prevailed.

Accordingly the Senate at 12:20 o'clock p.m. took recess until 3:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 3:30 o'clock p.m. today.

Leave of Absence

Senator Crump was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 12, Resolved by the Senate, the House of Representatives concurring, that the Governor be and he is hereby empowered to redesignate the Texas Surplus Property Agency for continuation in the fiscal years 1963-64 and 1964-65, its functions to be as in the present biennium, etc.

The House has concurred in Senate amendments to House Bill No. 13 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 565 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 11 by non-record vote.

The House adopted the Conference Committee Report on House Bill No. 50 by a non-record vote.

The House has granted the request for a Conference Committee on S. B. No. 231.

House has appointed the following conferees on S. B. No. 231: Haines of Brazos, Schiller, Conghran, Atwell, Canales.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Bill 421 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 421, A bill to be entitled "An Act providing for the licensing and regulation of the business of selling, issuing or delivering checks, drafts, and money orders as a service or for a fee or other consideration; providing for the administration of this Act by the Commissioner of the State Banking Department; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Votes

Senators Hardeman, Ratliff and Rogers asked to be recorded as voting "Nay" on the passage of S. B. No. 421.

Senate Bill 421 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 421 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Bates	Krueger
Calhoun	Moffett
Cole	Moore
Colson	Parkhouse
Creighton	Patman
Dies	Reagan
Hall	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—6

Aikin	Owen
Blanchard	Ratliff
Hardeman	Rogers

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Question on final passage, Yeas and Nays were demanded.

S. B. No. 421 was finally passed by the following vote:

Yeas—24

Bates	Krueger
Calhoun	Moffett
Cole	Moore
Colson	Parkhouse
Creighton	Patman
Dies	Reagan
Hall	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—6

Aikin	Owen
Blanchard	Ratliff
Hardeman	Rogers

Absent—Excused

Crump

Senate Bill 37 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 37, A bill to be entitled "An Act to provide for the reporting of medical treatment, or request therefor, of gunshot and other wounds indicating violence and providing penalties for failure to make such reports, and declaring an emergency."

The bill was read second time.

Senator Watson offered the following committee amendment to the bill:

Amend Section 1 of S. B. No. 37 by striking out all of said Section 1 and substituting the following in lieu thereof:

"Section 1. Any physician attending or treating a bullet or gunshot wound, or whenever such case is treated in a hospital, sanitarium, or other institution, the administrator, superintendent, or other person in charge shall report such case at once to the police authorities of the city, town, or county where such physician is practicing and/or where such hospital, sanitarium, or other institution is located."

The committee amendment was adopted.

On motion of Senator Watson and by unanimous consent the caption was amended to conform to the body of the bill.

The bill as amended was passed to engrossment.

Senate Bill 37 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

Nays—1

Rogers

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 734, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 380, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 29, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 106, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Printing of House Bill 106

On motion of Senator Aikin and by unanimous consent only 100 copies of H. B. No. 106 was ordered printed as the Members already had copies of the bill.

Committee Substitute Senate Bill 74 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 74, A bill to be entitled "An Act authorizing cities, as defined therein, to provide for the extension, enlargement and construction of improvements to the water and sewer systems, either or both, under certain circumstances and conditions and to assess a part of the cost of such improvements against benefited property and the owners thereof; providing procedures in connection with such assessment program and for the enforcement and collection of such assessments; prescribing the effect of certificates of special assessment and that same shall be legal and authorized investments in certain instances; providing that the provisions of the Act shall be cumulative of existing laws and that the Act shall be liberally construed to effect its purpose; providing a severance clause, enacting other provisions incident and related to subject matter; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 74 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three

several days be suspended and that C. S. S. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Dies	Ratliff
Hall	Reagan
Hardeman	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—1

Rogers

Absent

Blanchard

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Dies	Ratliff
Hall	Reagan
Hardeman	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—1

Rogers

Absent

Blanchard

Absent—Excused

Crump

Senate Bill 477 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 477, A bill to be entitled "An Act authorizing creation and organization of a committee to study ways and means of treating, correcting and rehabilitating sociopathic personalities; providing funds to finance such study; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 477 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

Nays—1

Rogers

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Additional Copies of
Senate Resolution 444 Ordered
Printed**

On motion of Senator Spears and by unanimous consent 10 extra copies of S. R. No. 444 were ordered printed.

Senate Bill 381 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 381, A bill to be entitled "An Act to amend Chapter 49 (page 92), Acts of the 34th Legislature, Regular Session, 1915, compiled as Vernon's Civil Statutes, Article 2895, providing that in counties or independent school districts having attendance officers, peace officers of same shall have the powers of attendance officers without additional pay for same; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following committee amendment to the bill:

Amend S. B. 381 by striking all of Section 1 of the bill and substituting in lieu thereof the following:

"Section 1. Article 2895, Vernon's Civil Statutes is hereby amended to read as follows:

"The county school trustees of any county having a scholastic population of more than three thousand may elect a school attendance officer or officers for said county.

"The board of trustees of any independent school district having a scholastic population of more than one thousand may in like manner elect an attendance officer or officers for said district.

"Counties or independent school districts which may avail themselves of the option to elect school attendance officers may elect the probation officer or some officer or officers of the juvenile court of said county to serve as such attendance officer.

"Such attendance officer or officers may have his salary paid from the available school funds belonging to said County or District, not exceeding \$12 per day for the time actually employed in discharging his duties.

"In any County or Independent School District where such Attendance Officer is not so elected, the duties of said attendance officer or officers shall devolve upon the School Superintendents and Peace Officers of such County or of any municipality located wholly or in part in any such school district who shall perform said duties without additional pay. In all

counties and any municipality or municipalities located in whole or in part in a school district, regardless of whether or not such attendance officer has been so elected, any peace officer of said County or of any such municipality or municipalities located in whole or in part in a school district, shall be empowered to act and serve as attendance officers, which duties they should perform without additional pay."

The committee amendment was adopted.

On motion of Senator Spears and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 381 on Third Reading

Senator Spears moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 381 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Communication from the Governor

The following communication from the Governor was read and was referred to the Secretary of the Senate:

Austin, Texas,
April 29, 1963.

Senate of the State of Texas,
Fifty-eighth Legislature.

Pursuant to your request in Senate Concurrent Resolution No. 58, I am herewith returning Senate Bill No. 315 to you in order that corrections can be made.

Sincerely,
JOHN CONNALLY,

Senate Bill 218 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 218, A bill to be entitled "An Act amending Section 1 of Chapter 442, Acts of the 44th Legislature, Second Called Session, as last amended, which is codified as Article 3886f, Vernon's Texas Civil Statutes, to increase the salary of district attorneys in all judicial districts to Ten Thousand Dollars (\$10,000); etc., and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Senate Bill No. 218 by striking out Section 1 and substituting therefor the following:

"Section 1. Section 1 of Chapter 442, Acts of the 44th Legislature, Second Called Session, 1935, as last amended by Section 1 of Chapter 329, Acts of the 54th Legislature, Regular Session, 1955, codified as Article 3886f, Vernon's Texas Civil Statutes, is amended to read as follows:

'Section 1. From and after September 1, 1963, in all judicial districts of this state, the district attorney in each such district shall receive from the state as pay for his services the sum of Ten Thousand Dollars (\$10,000) per year. Such salary shall be paid in twelve (12) equal monthly installments upon warrants drawn by the Comptroller of Public Accounts upon the State Treasury. Provided that this Act shall not be construed as repealing any Act which allows the district attorneys traveling expenses or any other allowances."

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 218 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 218 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Bates	Moore
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Harrington	Schwartz
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—2

Hardeman	Krueger
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Absent

Hazlewood Spears

Absent—Excused

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Welcome Resolutions

S. R. No. 456—By Senator Harrington: Extending welcome to Carlton Young of Port Arthur.

S. R. No. 458—By Senator Harrington: Extending welcome to Mr. and Mrs. Pat Doyle and Mr. and Mrs. Terry Doyle of Beaumont.

S. R. No. 459—By Senator Harrington: Extending welcome to County Judge and Mrs. Chester Young of Jefferson County.

Adjournment

On motion of Senator Hardeman the Senate at 4:25 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Miss Betty Boyd Logan

Senator Parkhouse offered the following resolution:

(Senate Resolution 457)

Whereas, The State of Texas lost a highly esteemed citizen in the death of Miss Betty Boyd Logan Sunday in Austin; and

Whereas, Before her retirement, she was chief clerk in the filing department of the Texas Highway Department for 30 years; and

Whereas, A member of the Central Christian Church in Austin, she made her home with her sister, Mrs. Dawson Duncan, and Mr. Duncan, Austin bureau chief for The Dallas Morning News; and

Whereas, She is also survived by three other sisters, Mrs. H. J. Hughes of Austin, Mrs. Edwin Stackhouse of Greenwich, Connecticut, and Mrs. Chester Schneider of Fort Worth; and a brother, William D. Logan of Los Angeles; now, therefore, be it

Resolved, That it is the desire of the Senate of the 58th Legislature of Texas to pay tribute to this fine citizen and to her efficient and faithful service to state government; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Miss Betty Boyd Logan, and that an enrolled copy of this resolution be sent to surviving members of her family as a token of respect and sympathy.

PARKHOUSE
HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Creighton, Cole, Colson, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Kazen, Kennard, Krueger, Moffett, Moore, Owen Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Moore and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.